



U.S. Department of Justice

Immigration and Naturalization Service

Public Copy

OFFICE OF ADMINISTRATIVE APPEALS
425 Eye Street N.W.
ULLB, 3rd Floor
Washington, D.C. 20536

File: DEN 214F 0670 Office: Denver

Date:

JUL 20 2001

IN RE: Petitioner:

Petition: Petition for Approval of School for Attendance by Nonimmigrant Students Under Section 101(a)(15)(M) of the Immigration and Nationality Act, 8 U.S.C. 1101(a)(15)(M)

IN BEHALF OF PETITIONER: Self-represented

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS

Myra L. Rosenberg
for Robert P. Wiemann, Acting Director
Administrative Appeals Office

DISCUSSION: The petition was denied by the district director, Denver, Colorado, and is now before the Associate Commissioner for Examinations on appeal. The appeal will be dismissed.

The petitioning organization, [REDACTED], states that it is a privately owned institution that is engaged in vocational and technical education. It seeks approval of its institution for attendance of nonimmigrant students under section 101(a)(15)(M) of the Immigration and Nationality Act (the Act), 8 U.S.C. 1101(a)(15)(M). The district director determined that the petitioning institution had not established that it can be classified as a bona fide school engaged in vocational or nonacademic training.

On appeal, the project coordinator for the petitioning organization states that most of those trained have attended up to 12 weeks of continuous workshops. The coordinator also states that his initial reason for applying to the Service was to help facilitate acquisition of visas for its foreign students. Finally, the project coordinator states that he hopes the institution is eligible as a vocational school.

Section 101(a)(15)(M)(i) of the Act states in pertinent part that an M-1, is an alien...who seeks to enter the United States...for the purpose of pursuing a full course of study at an established vocational or other recognized nonacademic institution....

The regulation at 8 C.F.R. 214.3(a)(2) states:

(ii) M-1 classification. The following schools are considered to be vocational or nonacademic institutions and may be approved for attendance by nonimmigrant students under section 101(a)(15)(M)(i) of the Act:

(A) A community college or junior college which provides vocational or technical training and which awards recognized associate degrees.

(B) A vocational high school.

(C) A school which provides vocational or nonacademic training other than language training.

The petitioning organization's publication entitled "[REDACTED]" states that [REDACTED]'s mission is to help others to use renewable energy and environmental building technologies through education and technical assistance. [REDACTED] offers 10-12 weeks of continuous workshops and a certificate of completion is awarded after finishing each course. The publication also states that SEI is an educational non-profit Colorado corporation recognized by the IRS as a tax-exempt charitable organization under section 501(c)3 of the Internal Revenue Code.

[REDACTED] is also the co-owner of the Carbondale Community Non-Profit Center in Carbondale, Colorado. The ownership of the building as well as the building space is shared with four other non-profit organizations. [REDACTED] occupies six rooms within the building, one is used as a classroom and the remaining five are staff offices.

A noncollegiate 10-12 week program conducted at a community center does not make [REDACTED] an academic institution, school or school system. The petitioning organization cannot be classified as a bona fide school which provides vocational or nonacademic training. Moreover, the petitioning entity is not within one of the categories of schools which may be approved for M-1 students. The petitioning entity has not established itself to be an established institution of learning or other recognized place of study.

The regulation at 8 C.F.R. 214.3(b) states in pertinent part that:

...Any other petitioning school shall submit a certification by the appropriate licensing, approving, or accrediting official who shall certify that he or she is authorized to do so to the effect that it is licensed, approved or accredited. In lieu of such certification a school which offers courses recognized by a State-approving agency as appropriate for study for veterans under the provisions of 38 U.S.C. 3675 and 3676 may submit a statement of recognition signed by the appropriate official of the State approving agency who shall certify that he or she is authorized to do so.

The record of proceeding does not contain any evidence that SEI has been licensed, approved, or accredited. Absent certification by an appropriate licensing, approving, or accrediting official, the petitioning organization has not submitted evidence to show it is a licensed, approved or accredited institution. It may be possible to obtain certification by writing to the Accrediting Council for Continuing Education and Training ("ACCET") [REDACTED] Executive Director, [REDACTED]

In conclusion, the evidence submitted in support of the petition has been carefully considered. The petitioning organization has not established that it is a bona fide school or an established institution of learning or other recognized place of study. The petitioning institution has not satisfactorily established that it has met the requirements of the statute.

ORDER: The appeal is dismissed.